

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Case No. 3:10-cv-03561-WHA

Plaintiff,

v.

GOOGLE INC.

Defendant.

EXPERT REPLY REPORT OF JOHN R. LEVINE, PH.D.
REGARDING INVALIDITY OF U.S. PATENT NOS. 5,966,702 AND 6,061,520

D. Dr. Goldberg’s purported evidence of secondary considerations of non-obviousness fails to overcome the evidence of obviousness.

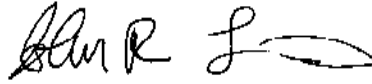
25. Dr. Goldberg argues that the ‘702 patent solved a long-felt need. (Goldberg Report at ¶ 451.) This argument is supported only by the testimony of one of the inventors, Nedim Fresko. It is curious to claim that there was a long-felt need for this alleged solution where Sun never incorporated this functionality into its mainstream Java products. Mr. Fresko filed for the ‘702 patent in 1997 based on work allegedly done that year at Sun. Java had not yet been available to the public for enough time to make any perceived need “long-felt,” if there were in fact any such need. The multi-class file format has presumably been known to other engineers at Sun since that time. Yet, I am unaware of any use of the claimed multi-class file in mainstream Java products.

26. While greater storage efficiency is a universal goal, the technique in the ‘702 patent appears to be no more effective than other well-known techniques. For example, the Redhat Package Management (RPM) files used to distribute Linux software are typically compressed using a widely used technique known as gzip, developed in 1992, years before the filing of the application for the ‘702 patent. (See <http://en.wikipedia.org/wiki/Gzip>; <http://www.gzip.org/#faq11>.) The ZIP compression scheme used in Java JAR files treats each class file in the archive separately and is unable to compress identical names in different class files. Gzip treats the entire file to be compressed, such as an RPM file, as one compressible unit and easily compresses multiple similar strings even if they are in separate logical files within an archive. In some informal experiments, I have re-compressed a collection of JAR files using gzip rather than ZIP, and found that gzip typically makes the resulting package files 30% smaller. Because the JAR file format continues to use the less effective ZIP compression scheme rather than something more effective like gzip, it is my opinion that Sun and now Oracle does not consider decreasing the size of packaged class files to be a significant need.

27. Dr. Goldberg also argues that the ‘702 patent “contributed to Android’s commercial success.” (*Id.* at ¶ 454.) The bases for Android’s commercial success do not appear to be the proper subject of a technical expert report. I note only that there appears to be a missing logical connection between a discussion of a low-level technical capability in a presentation at a technical convention and the possibility that some amount of commercial

Executed this 1st day of September, 2011.

I declare that to the best of my knowledge the foregoing is true and correct as to the facts stated and my opinions as expressed.

A handwritten signature in black ink, appearing to read "John R. Levine", with a stylized flourish at the end.

John R. Levine, Ph.D.